

## STANDING ORDER -08

### IMPOUNDMENT OF GUARDIAN AD LITEM REPORTS

Unless otherwise ordered by the court, all guardian ad litem reports except those filed in cases involving accounts, licenses to sell and estate plans are impounded. As used herein, "impounded" shall mean the act of keeping the guardian ad litem report separate and unavailable for public inspection. The report shall be kept in the Registry of Probate unless otherwise determined by agreement of the First Justice and Register of Probate. The following procedure will be followed:

1. Upon filing with the court, the guardian ad litem report shall be kept separate from the case file and unavailable for public inspection. Access to inspect the impounded report shall be limited to the court, the attorney(s) of record, if any, and the party(ies), unless otherwise ordered by the court. Where appropriate, the court may instruct the guardian ad litem to send a copy of the report to the attorney(s) of record or the parties.
2. Unless otherwise ordered by the court, an attorney of record shall be entitled to receive a copy of the report. A party may obtain a copy of the report, at the discretion of the court, upon motion. Any person authorized to have a copy of the guardian ad litem report
  - a. Shall make no further copies of the report;
  - b. Shall not show the report to any person except, in the case of an attorney, to his or her client or, in the case of an attorney or party, to an expert engaged or consulted regarding the case;
  - c. Shall, in the case of an attorney, return the copy of the report to the court upon withdrawal from the case, and in the case of a party, return the copy of the report to the court at the conclusion of the case, and;
  - d. Shall comply with such conditions as the Trial Judge may impose.
3. In accordance with Trial Court Rule IX, Rule 2, Uniform Rules on Subpoenas to Court Officials, the Register shall not provide a copy of the impounded guardian ad litem report to a person who is not a party to the case.
4. Relief from impoundment may be sought by Motion supported by affidavit, and may be granted after notice by the court only upon written findings.
5. Service of the Motion for Relief from Impoundment and affidavit shall be made on all parties in accordance with Rule 5 of the Massachusetts Rules of Domestic Relations Procedure. The time periods for hearing shall be as set forth in Rule 6 of the Massachusetts Rules of Domestic Relations Procedure.
6. The attorney(s) of record, if any, or the litigant(s) if unrepresented by counsel, shall receive a copy of this Standing Order when they are notified in writing by the Court in accordance with Standing Order 2-98 that the Report has been filed and is available for inspection.

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Date

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Chief Justice